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EXAMINER

LMP2-1121

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01/21/00

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

Responsive to communication(s) filed on 10-15-99

This action is FINAL.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

Claim(s) 1-10, 17-4 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

Claim(s) _____ is/are allowed.

Claim(s) 1-10, 17-21 is/are rejected.

Claim(s) _____ is/are objected to.

Claims _____ are subject to restriction or election requirement.

Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on _____ is/are objected to by the Examiner.

The proposed drawing correction, filed on _____ is approved disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All Some* None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) _____.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

Notice of Reference Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

SEE OFFICE ACTION ON THE FOLLOWING PAGES

DETAILED ACTION

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1-2, 4-9, 17-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Ramaswamy et al. US patent 5,678,059.

As per claim 1, Ramaswamy teaches a system essentially as claimed comprising computer, main memory, local bus etc.

a device [fig.4 dsp modem 409] coupled to the local bus, wherein the device occupies an I/O slot on the local bus [COMx port - see col.5 lines 10-27] accessible at a first set of address corresponding to a first communication port [COMx], the device has register set with address assignment in the first set of addresses that differs from a standard address assignment of a register set for a UART [col.3 lines 7-9 "... replacement of the UART functionality with an arbitrary interface"];

a communication driver [fig.4 MODEM.EXE 411] executed by the processing unit comprising a UART emulation which in response to an access targeted at a register set of a UART corresponding to the first communication port, convert the access as required for the register set address assignment of the device [col.4 lines 24-35].

As per claim 2, it is inherent that Ramaswamy comprises an ISA bus since it is a PC-compatible computer.

As per claim 4, it is rejected under similar rationale as for claim 1 above.

As per claims 5-9, the steps recited are inherent in the operation of Ramaswamy system.

As per claims 17-18, they are rejected under similar rationale as for claim 1 above.

As per claims 19-20, they are rejected under similar rationale as for claim 1 above.

As per claim 21, Ramaswamy teaches implementing a conversion between data and digital sample [apparent from col.4 line 34 "... software program 411 implements all of the functionality performed by the prior art modem microprocessor"].

The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 3, 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ramaswamy et al. and further in view of Gibson et al. US patent 5,640,594.

As per claim 3, Ramaswamy does not specifically disclose a means in the device for assigning a base I/O address to be occupied by the device.

Gibson teaches a device couple to a local bus comprising:
a comparator [fig.4A #312];
a pattern generator [fig.4A SEQ(count)] coupled to the comparator;
a counter [fig.4A COUNT] operable couple to the comparator and the pattern generator;
a register [fig.4B #324 accept data for device programming] coupled to the counter to receive signal from the local bus in respond to the counter reaching a final state [fig.4A #316].

It would have been obvious for one of ordinary skill in the art to provide the means above in the modem device of Ramaswamy

because it would have enable the operating system to automatically assign I/O address to the device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dung Dinh whose telephone number is (703) 305-9655. The examiner can normally be reached on Monday-Thursday from 7:00 AM - 4:30 PM. The examiner can also be reached on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached at (703) 305-4792.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, DC 20231

or faxed to:

(703) 308-9051, (for formal communications intended for entry)

(703) 305-9731 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).



Dung Dinh
Primary Examiner
January 18, 2000